

Regular Session, 2004

HOUSE BILL NO. 541

BY REPRESENTATIVES LAFLEUR AND DORSEY

CRIME/SEX OFFENSES: Creates the Louisiana Sexual Assault Task Force

1 AN ACT

2 To enact Chapter 3-C of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 15:555 and 556, relative to sexual assault; to create the Louisiana Sexual
4 Assault Task Force; to provide for its membership; to provide for meetings; to
5 provide for duties; to provide for reporting requirements; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Chapter 3-C of Title 15 of the Louisiana Revised Statutes of 1950,
9 comprised of R.S. 15:555 and 556, is hereby enacted to read as follows:

10 CHAPTER 3-C. LOUISIANA SEXUAL ASSAULT TASK FORCE

11 §555. Sexual Assault Task Force; creation; membership; meetings

12 A. The Louisiana Sexual Assault Task Force is hereby created within the
13 Department of Justice, office of the attorney general. The task force shall consist of
14 twenty-six members as follows:

15 (1) The executive director of the Louisiana District Attorneys Association or
16 his designee.

17 (2) The executive director of the Louisiana Foundation Against Sexual
18 Assault or her designee.

19 (3) The Sexual Assault Nurse Examiner/Sexual Assault Response Team
20 (SANE/SART) program coordinator of the Louisiana Foundation Against Sexual
21 Assault or her designee.

- 1 (4) The executive director of the Louisiana Sheriffs Association or his
2 designee.
- 3 (5) The executive director of the Louisiana Association of Chiefs of Police
4 or his designee.
- 5 (6) The president of the Louisiana District Judges Association or his designee.
- 6 (7) The executive director of the Louisiana Commission on Law Enforcement
7 and the Administration of Criminal Justice or his designee.
- 8 (8) The president of the Louisiana Coroners Association or his designee.
- 9 (9) The director of the Louisiana State Police Crime Laboratory or his
10 designee.
- 11 (10) The president of the Louisiana Association of Forensic Scientists or his
12 designee.
- 13 (11) The president of the Louisiana Hospitals Association or her designee.
- 14 (12) The secretary of the Department of Health and Hospitals or his designee.
- 15 (13) The executive director of the Louisiana State Board of Nursing or her
16 designee.
- 17 (14) The executive director of the Louisiana CASA Association or her
18 designee.
- 19 (15) The president of the Louisiana Children's Advocacy Center or her
20 designee.
- 21 (16) The secretary of the Department of Social Services or her designee.
- 22 (17) The assistant secretary of the Department of Social Services directing
23 the office of community services or her designee.
- 24 (18) The medical director of the Child At Risk Evaluation Center at Children's
25 Hospital of New Orleans or his designee.
- 26 (19) The attorney general or his designee.
- 27 (20) A member of the Association of Criminal Defense Lawyers selected by
28 its chief executive officer or his designee.

1 (21) The deputy secretary of the Department of Public Safety and
2 Corrections, public safety services, or his designee.

3 (22) The superintendent of state police or his designee.

4 (23) The director of the Louisiana Coalition Against Domestic Violence or
5 her designee.

6 (24) The president of the Louisiana Juvenile Judges Association or his
7 designee.

8 (25) A member of the House of Representatives appointed by the speaker of
9 the House of Representatives or his designee.

10 (26) A member of the Senate appointed by the president of the Senate or his
11 designee.

12 B. Members of the task force shall serve at the pleasure of the appointing
13 authority. The attorney general shall serve as chairman and his duties shall be
14 established by the task force.

15 C. The task force shall fix a time and place for its regular meeting and shall
16 meet at least once during each calendar month. Additional special or regular meetings
17 may be held upon the call of the chairman.

18 D. A majority of the membership present shall constitute a quorum and shall
19 be necessary to take action.

20 §556. Duties of the task force

21 The task force shall examine issues relating to forensic examination of sexual
22 assault victims and investigation of sexual assault cases, including but not limited to
23 the following:

24 (1) The task force shall review and analyze all applicable state and federal
25 laws, rules, regulations, policies, procedures, and practices pertaining to all of the
26 following:

27 (a) What entities are performing and should perform forensic examinations
28 of sexual assault victims.

1 **(b) What entities are financially responsible and should be financially**
2 **responsible for the forensic evidence collection from the victim of a sexual assault.**

3 **(c) Which entities are being billed for the forensic examinations and which**
4 **entities should be billed for such examinations.**

5 **(d) What evidence is collected from the victim, how is it preserved, how is**
6 **it analyzed, and what are the best practices in these areas.**

7 **(e) What standards are being followed in the investigation of sexual assault**
8 **cases and what standards should be followed.**

9 **(f) What training is provided and what training should be provided to law**
10 **enforcement officers and staff of the Department of Social Services, office of**
11 **community services, investigating sexual assault cases or cases of suspected sexual**
12 **assault.**

13 **(g) What criteria are used and what criteria should be used in designating**
14 **cases as unfounded or in reclassifying cases involving completed or attempted illegal**
15 **sexual activity.**

16 **(h) The current reporting requirements and those recommended by the**
17 **Department of Social Services, office of community services, regarding the number**
18 **of allegations of sexual abuse or assault reported and investigated and the number of**
19 **those which are validated or not validated.**

20 **(i) Reports by teachers, ministers, and other mandatory reporters to the**
21 **Department of Social Services, office of community services, and law enforcement**
22 **agencies, standards for dual investigations and whether mandatory reporters should**
23 **report to both law enforcement agencies and the Department of Social Services, office**
24 **of community services.**

25 **(2) The task force shall report its findings and recommendations to the**
26 **governor, the president of the Senate, and the speaker of the House of**
27 **Representatives not later than July 1, 2005.**

28 Section 2. The task force created by this Act shall terminate sixty days after the report
29 of findings and recommendations has been submitted.

1 Section 3. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

LaFleur

HB No. 541

Abstract: Creates the Louisiana Sexual Assault Task Force and provides for its membership and duties.

Proposed law creates the La. Sexual Assault Task Force within the Dept. of Justice, office of the attorney general. Provides for a membership of 26 members. Provides that the attorney general shall serve as chairman. Provides for a listing of issues that the task force shall study, including but not limited to investigation issues, procedures used in obtaining and analyzing sexual assault evidence, training requirements for law enforcement officers and others in sexual assault cases.

Requires the task force to report its findings and recommendations to the governor, the president of the Senate, and the speaker of the House of Representatives not later than July 1, 2005. Provides that the task force shall terminate 60 days after its report of findings has been submitted.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 15:555 and 556)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Judiciary to the original bill.

1. Added seven additional members to the task force.
2. Provided that a majority of the members present constitute a quorum.
3. Changed the date that the task force must submit its report from January 1, 2005 to July 1, 2005.
4. Provided that the attorney general shall serve as chairman.

House Floor Amendments to the engrossed bill.

1. Provides that the task force shall terminate 60 days after submission of its report.